

## **DRAFT RECORD OF DECISION**

### **Lower Imnaha Rangeland Analysis Environmental Impact Statement**

USDA Forest Service  
Wallowa-Whitman National Forest  
Hells Canyon National Recreation Area  
Wallowa County, Oregon

#### **Introduction**

A Final Environmental Impact Statement (FEIS) that discusses the Lower Imnaha Rangeland Analysis Project (LIRA) within the 43,897-acre planning area on the Hells Canyon National Recreation Area of the Wallowa-Whitman National Forest is available for review at Wallowa Mountains Office in Joseph, Oregon. This draft Record of Decision (ROD) documents my decision to select an alternative from the Lower Imnaha Rangeland Analysis Final Environmental Impact Statement (FEIS).

#### **Background**

There has been a long history, over 300 years, of livestock grazing in the LIRA project area, much of it associated with other settlement and cultivation activities. Mild winters extended the grazing season, and the benches and stream bottoms offered relatively level ground for intensive grazing and cultivation by homesteaders. The decades of concentrated use on these benches resulted in depleted soil conditions and loss of native grassland vegetation that is still in evidence today.

Over the course of the 20<sup>th</sup> century, as lands in the canyon country became designated as National Forests (beginning with the Imnaha Forest Reserve in 1907), grazing activities were reduced and regulated in order to address effects on rangeland resources in the canyon. In 2004, permitted grazing on National Forest System lands within the LIRA project area were again reduced to their current use, resulting in the areas lowest amount of livestock use in recorded history and allowing rangeland resources in the area to recover from intensive past management.

Recent monitoring results from the LIRA project area indicate an overall improving trend in rangeland conditions. However, there are some localized sites which had been historically intensively cultivated and grazed, that still demonstrate some "unsatisfactory" rangeland conditions primarily on the benches. Findings from some studies indicate that certain sites should recover with changes in livestock management, while other sites may have passed a threshold of not being able to recover without intensive and costly restoration efforts.

#### **Purpose and Need**

The purpose of the LIRA project is to assess re-authorizing livestock grazing on the four allotments in the project area, Cow Creek, Toomey, Rhodes Creek and Lone Pine, in a manner that is consistent with the Wallowa-Whitman National Forest Land and Resource Management Plan (Forest Plan, 1990), and Hells Canyon National Recreation Area Comprehensive Management Plan Final Environmental Impact Statement (CMP, 2003). The analysis is also required under the Rescission Act of 1995 (Public Law 104-19, section 504).

Grazing is one of the many uses allowed on the Forest and in Hells Canyon. Forest Service policy is to make forage available to qualified livestock operators on lands suitable for grazing, provided it is consistent with land management plans and meets the terms of the administrative permit<sup>1</sup>. Livestock grazing has been permitted on these allotments since the early 1900's and continues to be an important contribution to the economy and rural life style of Wallowa County. Grazing is recognized as a traditional and legitimate use of the Hells Canyon National Recreation Area<sup>2</sup>. Periodically, the grazing management strategies need to be evaluated to determine whether to continue the permitted grazing for the established numbers and seasons.

Our policy in the Forest Service is to contribute to the economic and social well-being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on rangeland resources for their livelihood (Forest Service Manual 2202.1).

## **The Decision**

Based on the analysis described in the FEIS and associated project record, and close consideration of the public input received through scoping, collaboration, and comments, it is my decision to implement Alternative C, described below, as the method of livestock grazing management on these National Forest System lands.

## **Alternative C Description**

Alternative C will authorize grazing as described below and in Table 1 for each allotment. For additional details see the FEIS, pp. 53-55.

### *Lone Pine (11,138 acres)*

- Authorize grazing for up to a total of 1,800 head months of livestock and 33 head months of horse/mule grazing between the dates of December 1 and May 31 to a Term Grazing Permittee, including the head months used under tribal treaty rights by the Nez Perce.
- This allotment is currently vacant due to cancellation of the previous permit (based on non-compliance with terms and conditions of the permit; not due to resource issues). The Forest Service will use the Granting Process to identify a new Term Grazing Permittee.

### *Cow Creek – (5,824 acres)*

- Authorize grazing of a total of 1,255 head months between the dates of November 1 and May 15.
- Consolidate 10 pastures to four. Move cattle through the four pastures based on resource condition and meeting utilization standards in key areas.

### *Rhodes Creek – (21,646 acres total accounting for 1,014 acre loss of Tulley pasture to Toomey Allotment)*

- Authorize grazing of a total of 4,495 head months of cattle and 97 head months of horse/mule between the dates of November 1 and May 15.

<sup>1</sup> 36 CFR 222.2(c); Forest Service Manual 2203.1

<sup>2</sup> CMP, and Public Law 94-199, 1975

- Move livestock through the 16 pastures based on resource condition and meeting utilization standards in key areas.
- Shift the Tulley pasture of the Rhodes Creek Allotment to become part of the Toomey Allotment.

*Toomey* – (5,290 acres, including the 1,014 acre gain of the Tulley pasture from the Rhodes Creek Allotment)

- Authorize a total of 1,000 head months of cattle grazing between the dates of November 1 and May 15
- Move livestock through the seven pastures based on resource condition and meeting utilization standards in key areas.
- Incorporate the Tulley pasture of the Rhodes Creek Allotment into the Toomey Allotment.

**Table 1. Summary of Alternative C Grazing Management by Allotments**

Allotment	Number of pastures	Livestock Type	Permit Type	Permitted Numbers	Duration	Head Months
Cow Creek	4	Cattle	Term	231	11/1-12/31 2/1-5/15	1,255
Lone Pine	6	Cattle Horse	Term	300 6	12/1-5/31	1,800 33 horse
Rhodes Creek	16	Cattle  Horse	Term	784 500 784 15	11/1-2/15 2/16-4/15 4/16-5/15 11/1-5/15	4,495  97 horse
Toomey	7	Cattle	Term	184	11/1-12/31 2/1-5/15	1,000

#### *Design Criteria, Mitigations and Monitoring*

Mitigation measures incorporated as part of this decision include specific project design features, mitigations, monitoring, and a variety of specific resource measures described in Chapter 2 of the FEIS. Standards and Guidelines from the Hells Canyon National Recreation Area CMP and the Forest Plan that apply to the project area were also incorporated into the project design.

An important design aspect is the movement of cattle through the pastures within the allotments based on seasonal resource conditions. This “elevationally-determined rotational grazing” system takes advantage of more sustainable resource conditions at different elevations in the canyon throughout the winter season. For instance, impacts to sensitive vegetation and ground resources can be reduced if cattle use pastures when the ground is frozen (hardened) rather than when soils thaw and remain wet.

### ***Adaptive Management***

The selected alternative also includes "adaptive management", which uses monitoring information to determine if grazing management needs to change or adapt in order to reduce impacts on sensitive resources. Strategies have been identified to ensure mitigations and protection for Spalding's catchfly and deep soils on north-facing slopes. If monitoring indicates that specific objectives are not being achieved, the Forest can apply the analyzed adaptive strategies to improve success of the protection measures (FEIS, pgs. 54-55).

### **Reasons for Decision**

I selected Alternative C because it best meets the purpose and need of the project, while providing the most balanced approach for mitigating significant issues and resource concerns, with a feasible and implementable livestock operation. I carefully considered the importance of protecting rangeland resources in Lower Imnaha Range Analysis project area, with the importance of continuing to maintain opportunities for economically sustainable livestock operations.

### **Alternative C Addresses the Significant Issues**

#### ***Issue 1: Spalding's catchfly***

Concerns were expressed that the measures proposed to manage the Spalding's catchfly habitat were not aggressive enough to protect the plant and its habitat, while others suggested that the current level of livestock grazing in the LIRA allotments is maintaining or promoting the plant's habitat.

While there is uncertainty about the extent of the effect of cattle grazing in the Lower Imnaha Range Analysis project area on Spalding's catchfly or habitat, a change in the amount of use or season of use of the pastures that contain catchfly could decrease the potential occurrence of hoof shear to plants. Furthermore, a change in level of livestock use or season of use could decrease overall impacts to soils and vegetation in catchfly habitat, allowing these sites to improve.

Alternative C will reduce the risk of direct and indirect interaction between livestock and Spalding's catchfly through changing the season of use for pastures, and through rest rotation grazing strategies in the Toomey Allotment. Alternating the season of grazing in a pasture to every second or third year, and to a time when the soils are frozen directly reduces the risk of shearing Spalding's catchfly plants by livestock hooves when compared to when the soils are soft. In addition, implementing a rest-rotation and adaptive management measures in the Toomey Allotment indirectly reduces the risk to Spalding's catchfly habitat by promoting good rangeland conditions, which in turn promotes good catchfly habitat. Monitoring after the changes in management occur will provide additional useful information regarding livestock interaction with Spalding's catchfly habitat in the short and long term, measure how effective changes in management were, and reveal if adaptive management steps need to be implemented.

I selected Alternative C because it provides the most complete range of options for protecting Spalding's catchfly habitat. I reviewed the comments on the DEIS, input from the Nez Perce Tribe, and available research on the Spalding's catchfly population in the Imnaha Corridor and surrounding vicinities. I also considered guidance from the biological assessment for Spalding's catchfly for the LIRA project and the Spalding's catchfly Recovery Plan (2007). While I recognize there is uncertainty about the extent and intensity of impact to Spalding's catchfly from livestock grazing, Alternative C

introduces additional management activities to protect the habitat and plants, and monitors changes to determine the effectiveness of those management changes.

We will continue to follow the best available science and guidance for protecting Spalding's catchfly and continue to gather additional information from our project area so that we can contribute to the community of knowledge about this special plant.

#### *Issue 2: Deep Soils on Steep North Facing Slopes*

There is uncertainty about the degree of impact on deep soils on steep north-facing slopes due to hoof shear action by cattle grazing in the LIRA project area.

Moist soils on steep north-facing slopes are at risk of displacement under the weight of concentrated cattle use. As a result, soil exposure caused by displacement is evident in localized areas. Exposed bare soil can also be more prone to erosion. Over time, this condition could decrease the overall soil productivity as well as the seral stage of the vegetation communities that exist in these areas. Soil compaction caused by trampling may negatively affect long-term soil productivity and range condition.

Terraces are the visual indicator of where soil movement or displacement has occurred in the past or where it may continue to occur. There were concerns expressed regarding terraces (cross-slope routes on which the livestock travel) that can be seen throughout the project area especially on north slopes. Commenters requested that additional efforts be made to reduce impacts to these areas, the related vegetation, and biological soil crust resources that inhabit the same north facing slopes.

The FEIS summary discusses that effects from grazing on soil, native plant and biological crust conditions are closely related and that actions impacting any one of those three resources will be expected to affect the other two resources in the same direction (positively or negatively) though the extent and intensity of the impact may vary. Alternative C changes grazing strategies in order to protect soils by implementing rest-rotation and deferred grazing rotations, so that pastures are not grazed the same time every year when soils are most likely to be soft and most vulnerable to livestock grazing impacts. Changing the season of use in pastures with sensitive soils to periods when soils are frozen reduces the risk and frequency of direct impacts to these deep soils. This also addresses the concerns with terraces since areas with deep soils tend to be the area where terraces are more evident or pronounced. Indirectly, this promotes good rangeland vegetation and soil health by increasing soil organic matter, infiltration, soil stability, and decreasing erosion.

I recognize the concerns about visible terraces, however, these routes have been traveled, and continue to be traveled, by livestock for over 100 years, and will likely remain visible even if cattle were removed from the allotments, unless extensive rehabilitation was done. While Alternative C takes actions to reduce impacts to rangeland resources, it is not expected that these actions will reduce the visibility of the historic terraces.

#### **Alternative C Mitigates other Resource Concerns**

- Moves rangelands toward conditions found within the grasslands' historic range of variability. Implements a rest-rotation cycle with adaptive management in the Toomey Allotment, and continuing to adjust grazing locations based on the seasonal resource conditions at different elevations within the Cow Creek, Rhodes Creek, and Lone Pine Allotments. This allows desirable cool season bunchgrasses (that indicate good rangeland condition) the opportunity to recover after they are grazed, and prior to the dry and hot summer season.

- Reduces soil disturbance during the period when soils could be wet reduces the risk of damage to biological soil crusts and reduces the potential for invasive plant establishment.
- Reduces visitor – livestock interactions by requiring more active management at dispersed recreation sites and trails, altering livestock trailing routes and timing, and designating livestock avoidance areas. Installs a fence adjacent to trail #1713 that follows the Imnaha River to the confluence with the Snake River to ensure livestock do not access the trail and rivers.
- Reduces unnecessary fencing that is a hazard to wildlife, livestock, and humans by consolidating pastures in the Cow Creek Allotment. Ensures new fences are designed to minimize impacts to wildlife.
- Results in long-term benefits to wildlife and fish habitat by managing for good upland rangeland conditions, while maintaining or improving riparian habitat due mainly to the season of grazing (winter).

### **Alternative C Supports Local Rural Economies**

- Supports an opportunity for an economically feasible livestock grazing operation in the Lower Imnaha.
- Continues the “traditional and valid use” of ranching in the Imnaha and Snake River Canyons, which is important to preserving rural lifestyles in Wallowa County
- Contributes to the social, economic sustainability, and identity of Wallowa County

In summary, I selected Alternative C because it provides additional protections and support for listed plants, particularly in the management and monitoring of Spalding’s catchfly habitat (Issue 1), and reduces livestock related impacts to deep soils on steep north-facing slopes (Issue 2). Alternative C also provides a more complete management scheme to protect rangeland vegetation and soils, biological crusts, and reduces recreation-livestock interactions. Lastly, Alternative C supports a livestock grazing opportunities for the local community, and the contribution of livestock operations to the economy and rural lifestyle of Wallowa County.

### **Public Involvement**

The Lower Imnaha Rangeland Analysis project was published in the Wallowa-Whitman Schedule of Proposed Actions (SOPA), a quarterly publication, in April 1, 2010 and has appeared in each quarterly SOPA since then. The SOPA is available on the forest website at:  
<http://www.fs.usda.gov/projects/wallowa-whitman/landmanagement/projects>.

A detailed description of the proposed action was mailed on August 16, 2011 to approximately 159 forest users and concerned citizens soliciting comments related to this project. Nine responses were received from interested parties. The Issues identified in Chapter 2 of the FEIS reflect concerns raised in these letters.

The project was reviewed regularly with the Wallowa County Natural Resources Advisory Committee at monthly meetings.

Scoping and consultation for the project was initiated and is ongoing with the Nez Perce Tribe.

This project has been reviewed and approved by the State Historical Preservation Officer (SHPO).

Consultation has been completed National Marine Fisheries Service for Snake River steelhead and salmon which is documented in Letter of Concurrence dated February 24, 2015. Consultation with US Fish and Wildlife Service for Spalding's catchfly is in process.

A public field trip was hosted by the District to the project area on November 7, 2011 to discuss existing conditions within the project area, proposed livestock grazing management recommendations, and public issues and concerns. Representatives from local government, industry, and environmental organizations participated in the trip.

The Notice of Availability for the Lower Imnaha Rangeland Analysis DEIS was published in the Federal Register on March 28, 2014. The legal notice published in the Wallowa County Chieftain on April 2, 2014. Twenty individuals and groups commented on the Lower Imnaha Rangeland Analysis DEIS. I have reviewed the comments and considered them in making my decision. The responses to comments are included in the FEIS in Appendix A.

Comments on the DEIS were received from the permittee through individual meetings and during the comment period through a formal letter. Since the permittee is the party who will ensure the success of the operation, their input was carefully considered.

An analysis file for this project is available for public review at the Wallowa Mountains Office, Joseph, OR. The analysis file includes specialist's reports, data specific to the project, public notifications and their responses, meeting notes, and miscellaneous documentation.

### **Other Alternatives Considered**

In addition to the selected Alternative, I considered four other alternatives, described in detail in the FEIS (pgs. 35-53 and 55-64):

#### ***Alternative A – No Grazing***

Alternative A eliminates livestock grazing, which would provide the greatest protection to Spalding's catchfly and sensitive soils, but was not selected because of negative impacts to the social and economic well-being of the local community. It would also have an impact on the economic viability of the current permittee. No grazing would be the environmentally preferred alternatives.

Under this alternative, grazing would not be reauthorized and the current permit holders would be notified that their term grazing permits would be cancelled after two years (the established process under the Forest Service direction). Alternative A would close the four allotments, eliminating livestock grazing from 43,897 acres of National Forest System lands. Developments built to facilitate livestock management, including allotment and pasture fences, livestock exclosures, and stock water ponds and water troughs would be abandoned. Maintenance of allotment boundary fences would be assigned to the adjacent permittee.

#### ***Alternative B – Current Management***

Alternative B would authorize cattle and incidental horse grazing within all of the LIRA allotments. The level of permitted use is the same as it has been since 2004. Minor adjustments in grazing strategies have occurred and are expected to continue as the Forest Service and permittee learn which activities work well and which do not, and implement the improved methods (e.g. combine

pastures that had been split in the past for when sheep grazing occurred on these allotments). Under Alternative B, Lone Pine Allotment would remain vacant to permitted grazing in the short term, though it is expected grazing by the Nez Perce would continue under their tribal treaty rights (currently at 50 head months). Use of the Forest Service Granting Process would be used to identify a new Term Grazing Permittee for the Lone Pine Allotment.

This alternative was not selected because it provides the least protection to the key sensitive resources of Spalding's catchfly and soils.

#### *Alternative D*

Alternative D would incorporate the Lone Pine Allotment into the Cow Creek, Rhodes Creek, and Toomey Allotment pasture rotations. This alternative provides additional opportunities for rest and deferment of pastures within all four allotments. There would be a reduction in use (1,800 HM) due to the rest periods scheduled for each allotment. This alternative was driven by the assumption that rest would reduce direct and indirect livestock impacts to *Spalding's catchfly* and at the same time reduce cumulative soil disturbance by livestock when soils are wet or not frozen. A further assumption is that the vegetation in the pastures that are rested could have improved range condition over time by the desirable perennial vegetation being allowed to complete its life cycle without grazing pressure.

This alternative was not selected because after initial alternative development and support by the permittee to analyze it, further investigation revealed that for this alternative to be successful from an ecological standpoint, it would create unreasonable logistical challenges and economic hardship to the current livestock operation. I believe that Alternative C would achieve a similar level of ecological gain from a soils and Spalding's catchfly perspective, while ensuring that the current permittee can be successful in managing livestock towards meeting management objectives.

#### *Alternative E*

The Lone Pine Allotment would be utilized as a Forage Reserve through a Temporary Grazing Permit for permittees that have lost forage due to wildfire or are in voluntary resource protection non-use in their permitted allotment. This alternative would also provide rest to adjacent allotments in the Imnaha River Canyon, or other allotments within the Wallowa Mountain Zone with resource concerns. Under Alternative E the same management proposed in Alternative C would apply to the Cow Creek, Rhodes Creek, and Toomey Allotments.

This alternative was not selected because of the challenges associated with continuously changing (and thus unfamiliar) permittees and livestock in an allotment with already challenging resource issues and terrain. Several comments from the public and interdisciplinary team suggested that although the "rested" allotment may benefit, the maintenance or movement towards desired conditions in the Lone Pine allotment would likely to not be achieved at the same rate if an experienced permittee and livestock had continuity of use within Lone Pine allotment (Alternatives B or C). There were also concerns about the cost versus benefit of maintenance/reconstruction of structural range improvements where permittees do not realize a long term (3+ years) of use within the allotment. Refer to the summary of comments in the FEIS in Appendix A.



## **Environmentally Preferable Alternative**

Based on the definition in 36 CFR 200.3, the alternative which is environmentally preferable is Alternative A – No Grazing. This alternative would remove grazing from all allotments after two years. This alternative would offer the most protection to both Spalding catchfly habitat, and sensitive soils on north-facing slopes. This alternative was not selected in part because of negative social and economic impacts on the local community and impacts on the economic viability of the current permittee.

## **Findings Required by Other Laws, Regulations, and Orders**

### *Forest Plan Consistency, National Forest Management Act*

The National Forest Management Act (NFMA) guides management of renewable resources on national forest lands. NFMA requires the Secretary of Agriculture to assess forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement a resource management plan for each unit of the National Forest System. It is the primary statute governing the administration of national forests.

The selected alternative was developed in compliance with the NFMA via compliance with the Wallowa-Whitman National Forest Plan and Hells Canyon National Recreation Area CMP. The Lower Imnaha Range Analysis refers to Forest Plan standards and guidelines and how those standards and guidelines were met in the various aspects of the alternative design. The Lower Imnaha Range Analysis FEIS followed applicable standards and guidelines throughout the analysis, and is consistent with the Forest Plan and CMP, including:

- Congressional intent to allow grazing on suitable lands (Multiple Use-Sustained Yield Act of 1960, Forest and Rangeland Renewable Resource Planning Act of 1974, Federal Land Policy and Management Act of 1976, National Forest Management Act of 1976.
- Forest Service policy on rangeland management (FSM 2202.1, FSM 2203.1, FSH 2209.13).
- Federal regulation (36 CFR 222.2 (c) which states that National Forest System lands will be allocated for livestock grazing and allotment management plans (AMP) will be prepared consistent with land management plans.
- Objectives set forth in the Hells Canyon National Recreation Area Act (PL 94-199, 1975; sec 7(7)) to allow continued grazing in the NRA.

### *National Environmental Policy Act*

The National Environmental Policy Act (NEPA) declares it a national policy to encourage productive and enjoyable harmony between man and the environment and promote efforts to better understand and prevent damage to ecological systems and natural resources important to the nation. Agencies are required to prepare a detailed environmental impact statement for any major federal action significantly affecting the environment. The Act also establishes the Council on Environmental Quality to review government policies and programs for conformity with NEPA.

This law essentially pertains to public participation, environmental analysis, documentation and appeals. NEPA establishes the format and content requirements of environmental analysis and

documentation such as the LIRA Environmental Impact Statement. The entire process of preparing an environmental impact statement was undertaken to comply with NEPA requirements, as codified by 40 CFR 1501 and the Forest Service Handbook 1909.15, Chapter 40.

Planning for this project was done in accordance with the National Environmental Policy Act (NEPA) of 1969. Procedures described in the Council of Environmental Quality's implementing regulations for NEPA (Title 40; CFR Parts 1500-1508) were used to ensure compliance with NEPA.

#### *Endangered Species Act*

Field surveys and biological evaluations for all listed endangered, threatened and sensitive species have been prepared to determine possible effects of any activities in the Lower Imnaha Range Analysis area.

The Biological Evaluation (BE) for listed fish species found the proposed action has mostly a "no effect", however "may affect, not likely to adversely affect" determinations were made in Cow Creek and Rhodes Creek Allotments for Snake River steelhead and Snake River Chinook Salmon (Spring/Summer and Fall). The BE also determined that the proposed actions will maintain or improve the environmental baseline of Matrix indicators for streams within the analysis area and will decrease the risk of aggregate and cumulative effects on population and/or habitat. National Marine Fisheries Service biologists have concurred with these determinations and this is documented in a Letter of Concurrence dated February 24, 2015.

The Biological Assessment (BA) for Spalding's catchfly found that the proposed action "may affect, and is likely to adversely affect" the plant. Measures to mitigate impacts on Spalding's catchfly plants and habitat have been designed into the selected alternative. Mitigations should complement Conservation Recommendations proposed by the US Fish and Wildlife Service Biological Opinion. Conservation measures will be considered by the deciding official and as deemed appropriate included in the Allotment Management Plan.

The finding for all other fish, plant, and wildlife species was No Effect. Refer to the project file for the Biological Evaluations.

#### *Migratory Bird Treaty Act*

The selected alternative is consistent with the 1918 Migratory Bird Treaty Act (MBTA) and the Migratory Bird Executive Order 13186. The selected alternative was designed under current Forest Service policy for landbirds. The Northern Rocky Mountains Bird Conservation Plan (Altman 2000) and the US Fish and Wildlife Service's Birds of Conservation Concern (US Fish and Wildlife Service 2008) were reviewed for effects disclosure. The selected alternative was designed to protect priority habitats for landbird species, including Neotropical migratory species, see page 326 in the FEIS.

#### *Clean Water Act*

The Clean Water Act provides direction "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters". To carry out this law, the State of Oregon has established state water quality standards for factors such as water temperature, sedimentation, habitat modification and pH, as well as an anti-degradation policy to protect water quality conditions. Under the anti-degradation policy in Section 303(d), water bodies that do not meet water quality standards are designated as "water quality limited".

Best Management Practices referred to in Chapter 3, Water Resources section, of the FEIS (pgs. 343)

will ensure protection of water quality. The topography of the allotments, management of trailing routes, and use of developed water sources will limit livestock access and use of perennial streams on National Forest System lands.

Alternative C is consistent with the Clean Water Act because there will be no additional effect to the parameters for which streams are placed on the Oregon Department of Environmental Quality (ODEQ) 303(d) list (FEIS pp. 333-343). The Oregon Department of Environmental Quality completed a Total Maximum Daily Load (TMDL) assessment for the Imnaha Subbasin in 2010, and removed the Snake River and Lightning Creek from the 303(d) list. The Imnaha River from mile 1-72.2 is the one water quality limited stream listed by the EPA within the Lower Imnaha Range Analysis area for the parameter of biological criteria. However, this listing is based off monitoring samples over 20 miles upstream from the project area, including samples upstream of town Imnaha and further upstream into the Eagle Cap Wilderness. Because the TMDL for the Imnaha Subbasin was completed in 2010, the Forest Service will work with ODEQ to complete a Water Quality Restoration Plan for the subbasins in the short term future.

#### *National Historic Preservation Act*

Section 106 of the National Historic Preservation Act of 1966 (amended in 1976, 1980, and 1992) is the foremost legislation that governs the treatment of cultural resources for this project. The Grazing Allotment Review Strategy for Section 106 Compliance is the Forest Service Pacific Northwest Region's policy for performing heritage reviews of grazing permit reauthorizations. This policy has also been approved by Oregon State Historic Preservation Office.

Alternative C is consistent with the National Historic Preservation Act. The Oregon State Historic Preservation Officer (SHPO) has been consulted concerning proposed activities in the Lower Imnaha Range Analysis area. SHPO concurred with findings by the project archaeologist that the project will have *No Adverse Effect* on known cultural resources. A letter acknowledging concurrence from the SHPO dated September 27, 2013 and is SHPO case No. 13-0557 (project file).

#### *Civil Rights, Women, and Minorities*

Adverse effects on civil rights, women and minorities are not expected from implementing Alternative C, as addressed on in the FEIS. To the greatest extent possible, all populations have been provided the opportunity to comment before decisions are rendered on proposals and activities affecting human health or the environment. The activities in this decision will not have a direct or indirect negative effect on minority or low-income populations.

#### *Environmental Justice*

Executive Order 12898 directs each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. A memorandum emphasizing the need to consider these types of effects during NEPA analysis accompanies this order. Where Forest Service proposals have the potential to disproportionately adversely affect minority or low-income populations, these effects must be considered and disclosed (and mitigated to the degree possible) through the NEPA analysis and documentation. Effects on the human environment from implementation of Alternative C is expected to be similar for all human populations, regardless of nationality, gender, race, or income (FEIS pp. 425-426,440). Therefore, Alternative C is found to be consistent with Executive Order 12898.

*Executive Order 13112 (Invasive Species)*

Federal agencies whose actions may affect the status of invasive species must identify those actions and, within budgetary limits, prevent the introduction and spread of invasive species. The selected alternative analyzed potential actions that could contribute the introduction and spread of invasive species, and identified design criteria, which will limit the spread of invasive weeds (FEIS pp. 264-271).

*Multiple-Use Sustained Yield Act of 1960*

The selected alternative meets the intent of the Multiple-Use Sustained Yield Act. All alternatives ensure that recreation, fish and wildlife, and water resources are available for current and future generations, however only the four action alternatives ensure that grazing resources are available for both current and future generations in the project area.

*Municipal Watersheds*

There are no designated municipal watersheds in the Lower Imnaha Range Analysis area.

*Wetlands and Floodplains*

Executive Order 11988 requires government agencies to take actions that reduce the risk of loss due to floods, to minimize the impact of floods on human health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. Wetlands and floodplains are affected by the decision in this ROD. Livestock grazing will occur within 100-year floodplains, however, the management requirements in Alternative C will continue to minimize impacts to any flood plains (FEIS pp. 440). Therefore, Alternative C is found to be consistent with Executive Order 11988.

Executive Order 11990 requires that government agencies take action to minimize the destruction, loss, or degradation of wetlands. Streamside riparian areas, seeps, springs, and other wet habitats exist within the Lower Imnaha Range Analysis area and will be grazed by livestock but management requirements and site-specific mitigation will minimize the effects of livestock grazing on these areas (FEIS pp. 440). Therefore, Alternative C is found to be consistent with Executive Order 11990.

*Climate Change*

The Forest Service considers potential effects from and to climate change and greenhouse gas emissions in all aspects of agency programs and projects. The Lower Imnaha Range Analysis project is on a small enough scale that it is not expected to have a measurable impact on global climate change and any direct or indirect contribution to greenhouse gases and climate change will be negligible (FEIS pp. 137-138).

**Administrative Review (Objection) Opportunity***New Regulations for PRE-DECISIONAL OBJECTION*

New regulations found at 36 CFR 218 (Federal Register, Volume 78, No. 59, pages 18481 – 18504), provide an opportunity for individuals, organizations and tribal entities to file an objection to a project

*before the final decision is signed.* The process allows interested parties to advise the responsible official about concerns regarding the draft decision, and to seek higher-level review of unresolved concerns before the final decision is made. The agency's change to a pre-decisional objection process for projects and activities documented with a Decision Notice or Record of Decision (in lieu of the post-decisional appeal process used since 1993), was directed in Section 428 of the Consolidated Appropriations Act, 2012.

### *The Objection Process*

Individuals and entities who have submitted timely, specific written comments regarding a proposed project or activity subject to the new regulations (typically, one analyzed in a EA or EIS), during public involvement opportunities as requested by the responsible official (including scoping and required comment periods), will be eligible to object (36 CFR 218, §218.5(a)). Issues raised in objections must be based on previously submitted timely, written comments specific to the proposed project or activity unless the objection concerns an issue that arose after the opportunities for comment (§218.8(c)). The 45-day objection period begins the day after publication of a legal notice of in the Deciding Officer's paper of record - The Chieftain, Wallowa County, OR, for decisions made the by the district ranger in the Wallowa Mountains Office, including this project. (§218.6(b)).

Following the 45-day period, any eligible objections will be reviewed by the designated officer at the next higher administrative level (§218.3); for LIRA, this will be the forest supervisor or deputy forest supervisor. The reviewing officer will respond to eligible objections in writing (§218.11(b)), typically within 45 days. During the review period the objector may meet with the reviewing officer to discuss the objection (§218.11(a)). The final decision may not be signed until the reviewing officer's objection response has been received and any concerns or instructions have been addressed (§218.12(a&b)). If no eligible objections are received, a final decision may be signed on but not before the fifth day following the objection filing period (§218.12(c)(2)).

### *Specific Instructions for Filing Objections to the LIRA Project*

Only individuals or organizations that submitted specific written comments during a designated opportunity for public participation (scoping or the 45-day public comment period) may object (36 CFR 218.5). Notices of objection must meet the requirements of 36 CFR 218.8(d); incorporation of documents by reference is permitted only as provided for at 36 CFR 218.8(b).

Objections may be mailed to: Forest Supervisor Tom Montoya, Objection Reviewing Officer, Wallowa-Whitman National Forest Headquarters, Attn. 1570 Appeals and Objections, PO Box 907, Baker City, OR 97814.

Objections delivered by mail must be received before the close of the fifth business day after the objection filing period. For emailed objections, please email to: [objections-pnw-wallowa-whitman@fs.fed.us](mailto:objections-pnw-wallowa-whitman@fs.fed.us). Please put OBJECTION and the project name in the subject line. Electronic objections must be submitted as part of an actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. For electronically mailed appeals, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the objection, it is the sender's responsibility to ensure timely receipt by other means. Objections may also be hand delivered to the Wallowa-Whitman NF Headquarters, 1550 Dewey

Avenue, Baker City, Oregon 97814 between 7:45 AM and 4:30 PM, Monday through Friday except legal holidays.

Objections may also be faxed to: Forest Supervisor Tom Montoya, Attn: 1570 Objections at (541)-523-6392. Objections must be postmarked or received by the Reviewing Officer, Regional Forester, within 45 days from the date of publication of notice of the objection in The Chieftain, Wallowa County, OR. The publication date is the exclusive means for calculating the time to file an objection. Those wishing to file an objection should not rely upon dates or timeframe information provided by any other source.

Issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues.

### **Permittees Administrative Review Opportunities**

Permittees affected by this decision may file an objection under 36 CFR 218 (as described below), and may also file appeal of the final Record of Decision (ROD) under 36 CFR 214.4(a) *after* the final ROD is signed.

### **Implementation Date**

Implementation will begin after the final decision is signed.

### **Contact**

For further information about the Lower Imnaha Rangeland Analysis FEIS, this *Draft* Record of Decision, or the administrative review process, contact Kris Stein, District Ranger, Hells Canyon National Recreation Area, District, 201 East 2<sup>nd</sup> Street, PO Box 905, 97846 or at (541)-426-5546.

Kris Stein

Kris Stein  
District Ranger  
Hells Canyon National Recreation Area

3/13/15

Date

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Map 1: LIRA project area Vicinity

